

Serial No. 10/765,882

Attorney Docket No. 11-219

REMARKS

The applicant acknowledges and appreciates receiving an initialed copy of the form PTO-1449 that was filed on 22 November 2005.

Claims 1 – 26 are pending. Claims 1 – 24 and 26 have been allowed. The applicant respectfully requests reconsideration and allowance of this application in view of the above amendments and the following remarks.

Claim 25 was rejected under 35 USC 103(a) as being unpatentable over WO 92/20096, Horten et al. ("Horten") in view of U.S. patent No. 3,485,262, Perren ("Perren"). Claim 25 has been amended. Support for this amended is located in the specification as filed, for example, page 17, lines 11 – 18.

Insofar as the rejection can be applied to the claim as amended, the applicant respectfully requests that this rejection be withdrawn for reasons including the following, which are provided by way of example.

Independent claim 25 recites in combination, for example, "an electronic sensor for outputting an electric signal in accordance with physical displacement of a sensing portion; and a casing in which said electronic sensor is mounted, wherein said casing is made of a resin material containing a vibration damping material capable of damping a high-frequency vibration in a frequency band equal to or higher than 1kHz, and said electronic sensor is integrally molded with said resin material containing the vibration damping material."

Consequently, there is no requirement for existence of resonance in the vibration transmission from the casing to the electronic sensor. Moreover, it is required that the sensing portion not be vibrated at the high frequency band.

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According to claim 25, the casing is made of a resin material containing a vibration damping material. This material damps high-frequency vibrations in the high frequency band. Therefore, transmission of the high-frequency vibration to the electronic sensor through the casing can be suppressed. The electronic sensor can correctly output an electric signal indicating a collision or the like, in accordance with a physical displacement of a sensing portion caused by the collision.

On the other hand, without conceding that Horten discloses any feature of the present invention, Horten is directed Without conceding that Horten discloses any feature of the present invention, Horten is directed to an arrangement for encasing a functional device. According to Horten, a cavity of a casing component can be filled with a solution such as liquid and/or gel material, a silicon resin or an electrically insulating liquid (abstract lines 1 – 10; page 2, lines 30 – 34).

Perren is directed to an automatic safety device for tanks. According to Perren, a light source 34 and a photo sensitive resistor 35 are surrounded by a mass of cast resin. Therefore, a considerable insensitiveness to vibrations and shock in operation is achieved.

To properly reject a claimed invention, the examiner must establish a *prima facie* case of obviousness, such that all the claim limitations must be taught or suggested by the prior art references. Moreover, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. The examiner bears the burden of establishing this *prima facie* case, and where the examiner fails to establish a *prima facie* case of obviousness, then without more the applicant is entitled to grant of patent.

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The final Office Action admits that Horten "does not specifically disclose that a resin material is used to form a casing." (Office Action, ¶ 3). Recognizing that Horten fails to teach and/or suggest the invention as claimed, Perren is cited to remedy the deficiencies.

Nevertheless, Perren fails to remedy such deficiencies. For example, Perren fails to teach or suggest that a sensor such as a sensitive resistor 35 has a resonance point belonging to a high frequency band equal to or higher than 1kHz. Furthermore, Perren fails to teach or suggest that the cast resin damps high-frequency vibration in the high frequency band.

Hence, Horten and Perren, alone or in combination, fail to teach or suggest the combination of features recited in independent claim 25, when considered as a whole.

New claim 27 has been added to further define the invention, and is believed to be patentable for reasons including these set out above. Support for claim 27 is located in the specification as filed, for example, page 17, lines 19 – 20.

Applicant respectfully submits that, as described above, the cited prior art does not show or suggest the combination of features recited in the claims. Applicant does not concede that the cited prior art shows any of the elements recited in the claims. However, applicant has provided specific examples of elements in the claims that are clearly not present in the cited prior art.

Applicant strongly emphasizes that one reviewing the prosecution history should not interpret any of the examples applicant has described herein in connection with distinguishing over the prior art as limiting to those specific features in isolation. Rather, for the sake of simplicity, applicant has provided examples of why the claim described above is distinguishable over the cited prior art.


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In view of the foregoing, the applicant submits that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

If there are any problems with the payment of fees, please charge any underpayments and credit any overpayments to Deposit Account No. 50-1147.

Respectfully submitted,


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